

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Erick Nawrocki	Team: Team # 6	CCRB Case #: 200104592	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 06/02/2001 12:20 AM	Location of Incident: § 87(2)(b) and inside the 123 precinct stationhouse	Precinct: 123	18 Mo. SOL 12/2/2002	EO SOL 12/2/2002	
Date/Time CV Reported Thu, 06/21/2001 5:00 PM	CV Reported At: Precinct	How CV Reported: Phone	Date/Time Received at CCRB Thu, 06/21/2001 6:37 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Robert Ranno	09382	893551	123 PCT
2. LT Michael Kemper	00000	899418	123 PCT
3. SGT Christophe Lopresti	02508	902843	123 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Adam Seery	01640	902392	123 DET
2. POM Richard Fitzer	07570	896372	INT EPU
3. POF Kimberly Decicco	30122	903910	123 PCT
4. POF Kathleen Ceccarelli	04382	913590	123 PCT
5. SGT John Peruffo	03173	904788	123 PCT
6. POM John Azzarello	10270	895188	123 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Robert Ranno	Abuse: PO Robert Ranno entered § 87(2)(b) § 87(2)(b).	
B.POM Robert Ranno	Abuse: At § 87(2)(b), PO Robert Ranno threatened individuals with the use of force.	
C.LT Michael Kemper	Discourtesy: At the 123rd precinct stationhouse, Lt. Michael Kemper spoke rudely to § 87(2)(b).	
D.SGT Christophe Lopresti	Discourtesy: At the 123rd precinct stationhouse, Sgt. Christopher Lopresti spoke rudely to § 87(2)(b).	

Synopsis

At approximately 12:20 a.m. on June 2, 2001, officers from the 123rd precinct responded to § 87(2)(b) where numerous teenagers were fighting in the street. Thirteen teenagers were subsequently removed to the stationhouse and issued summonses § 87(2)(b). § 87(2)(b) a § 87(2)(b), is the father of one of the teenagers who was issued a summons, § 87(2)(b). § 87(2)(b) alleged that PO Robert Ranno wrongfully entered § 87(2)(b), the home of § 87(2)(b) a teenager who was also issued a summons. § 87(2)(b) additionally alleged that Lieutenant Michael Kemper and Sergeant Christopher Lopresti spoke in a discourteous demeanor towards himself at the stationhouse. Finally, § 87(2)(b) alleged that PO Ranno threatened herself and other individuals with the use of force prior to entering § 87(2)(b). § 87(2)(b) filed his complaint at the 122nd precinct on June 21, 2001. § 87(2)(b) also reported the incident to the Internal Affairs Bureau on June 2, 2001, which subsequently forwarded the complaint to the 123rd precinct, where it was investigated by the precinct's Integrity Control Officer.

§ 87(2)(g)

§ 87(2)(g)

Summary of Complaint

§ 87(2)(b) was interviewed at his home, located at § 87(2)(b) in Staten Island, on July 2, 2001 (enc. 9A-9D). At approximately 1:00 a.m. on June 2, 2001, § 87(2)(b) received a telephone call from his daughter, § 87(2)(b) who told him that she was in handcuffs in the back of an RMP en route to the 123rd precinct stationhouse. § 87(2)(b) told him that she had been at the home of her friend, § 87(2)(b) for approximately two hours when police officers pounded on the door demanding that the door be opened. § 87(2)(b) also told her father that the officers entered the door using a key. She told § 87(2)(b) that she had not done anything wrong, but was on the way to the precinct anyway.

When § 87(2)(b) arrived at the 123rd precinct with his girlfriend, § 87(2)(b) he saw teenagers in police custody and many upset parents. An officer who identified himself as Lt. Michael Kemper met § 87(2)(b) at the entrance to the precinct. Lt. Kemper told § 87(2)(b) that the officers had received a call reporting a gang fight with bats and that they responded and caught some of the teenagers inside of a house on § 87(2)(b). Lt. Kemper further indicated that the teenagers were being issued summonses § 87(2)(b). § 87(2)(b) identified himself to the lieutenant § 87(2)(b). At that point, Lt. Kemper took § 87(2)(b) into a private room and attempted to explain that neighbors sometimes call the police and that the address was a particular problem to them. § 87(2)(b) explained to the lieutenant that his daughter was inside of the house for a couple of hours and was not in the street during the incident. He asked if the officers could possibly void the summons, because they mistakenly arrested his daughter. Lt. Kemper told him that they were not going to void the summons. § 87(2)(b) then stated that if they were not going to void the summons, he would like to speak to the officer that had observed his daughter break the law. § 87(2)(b) also expressed his disagreement with the officers' actions of entering the house, which he did not believe they had a legal right to do.

Lt. Kemper explained that the officers had two grounds to enter the house: the teenagers may have had weapons and people in the house may have been in danger; and § 87(2)(b) had given permission to enter the house. After leaving the room where he spoke to Lt. Kemper, he observed an officer that had written a summons for his daughter. He approached the officer, later identified as PO Robert Ranno, near the front desk of the precinct § 87(2)(b). He then asked PO Ranno what he observed his daughter do. PO Ranno stated that he observed § 87(2)(b) on a driveway apron and that she then walked into the house. § 87(2)(b) stated that PO Ranno appeared to be very nervous when § 87(2)(b) approached him. At that point, Lt. Kemper made what § 87(2)(b) described as a "grimacing" face. Lt. Kemper put his hand up, an act that § 87(2)(b) perceived to be a command for the officer not to speak to § 87(2)(b) anymore. The officer then walked away from § 87(2)(b). § 87(2)(b) asked Lt. Kemper why he had just done what he did. At that point, Sgt. Lopresti yelled out, in an intimidating manner, "We explained to you all that we're going to explain to you! We have nothing further to tell you. I saw your daughter on the street acting disorderly."

At that point, § 87(2)(b) decided to make a CCRB complaint. After receiving the CCRB complaint form from the desk sergeant, § 87(2)(b) began to fill out the form. He realized, however, that he was not at the appropriate precinct to do so and decided to fill out the form at a later date. On June 21, 2001, he submitted the complaint form to the 122 precinct.

§ 87(2)(b) (S) was interviewed at the § 87(2)(b) in Staten Island on July 2, 2001 (enc. 10A-10D). § 87(2)(b) stated that late in the evening of June 1 and early in the morning of June 2, 2001, she was hanging out with approximately fifteen teenagers at the home of § 87(2)(b) who lives on § 87(2)(b). § 87(2)(b) stated that she had been at § 87(2)(b)'s house for approximately two hours before the police arrived. § 87(2)(b)'s parents were not home. She stated that neither she nor any of her friends consumed alcohol during the gathering.

§ 87(2)(b) stated that at some point during the evening, several male teenagers went outside of the house and began to "play fight," a common practice among her male friends. § 87(2)(b) stated that the male teenagers were being loud, joking around, and hitting each other, but not hurting each other. § 87(2)(b) stated that she did not see the teenagers who were "play fighting" use any baseball bats. She did not know whether they were using any objects besides their fists. The teenage males were outside for approximately one half hour before the police arrived at the house.

§ 87(2)(b) stated that during the entire time she was at § 87(2)(b)'s home before the police arrived, she remained inside of the house. When officers responded, § 87(2)(b) was in the living room at the time and peaked her head out of the window, seeing that the teenagers outside were being handcuffed. A police officer, later identified as PO Robert Ranno, then started to knock on the door. She heard that officer state, "I'm gonna break your skulls if you don't let us in." A few minutes later PO Ranno entered the front door of the house with keys. The officer did not search the house, but looked around to see if there was anyone else there. PO Ranno instructed the teenagers who were in the living room to go outside.

Once outside, § 87(2)(b) and the two other females at the gathering—§ 87(2)(b), and § 87(2)(b) were handcuffed and placed in an marked RMP. The rest of the teenagers—all males—were placed in a marked van. The entire group of teenagers was then transported to the 123rd precinct stationhouse. § 87(2)(b) called her father from the back of the RMP before arriving at the stationhouse. § 87(2)(b) stated that she did not overhear any conversation with her father and any of the officers at the stationhouse.

§ 87(2)(b) was interviewed at his home, located at § 87(2)(b) in Staten Island, on stated July 17, 2001 (enc. 11A-11C). He stated that at approximately 9:00 p.m. on June 1, 2001, approximately fifteen teenage friends came over to his house. His mother was not home during this gathering. At approximately 12:00 a.m. on June 2, 2001, § 87(2)(b) stated that he and several of his friends—both males and females—went outside to the front yard of the house. Some of the teenagers, including § 87(2)(b) remained inside of the house. The teenagers that went outside began to "fool around" and "play fight." § 87(2)(b) stated that the teenagers were throwing each other around and wrestling on the ground. § 87(2)(b) stated that no punches were thrown. § 87(2)(b) also stated that he was play-fighting with a wiffle ball bat. Prior to exiting the house to play-fight, some of the teenagers had been drinking alcohol inside the house.

Approximately twenty minutes later, police officers arrived. The officers parked their vehicles in the front of § 87(2)(b)'s house. An officer later identified as PO Robert Ranno asked the teenagers who the owner of the house was. § 87(2)(b) responded that he was the owner of the house. PO Ranno asked for § 87(2)(b)'s ID. § 87(2)(b) stated that he had it inside the house. The officer then instructed him to go inside the house and retrieve the ID. As § 87(2)(b) began to walk towards his house, PO Ranno started to walk behind him towards the house. § 87(2)(b) asked the officer, "Are you following me?" PO Ranno said, "Yes." § 87(2)(b) then asked the officer, "Are you coming in with me?" PO Ranno responded, "Yes." § 87(2)(b) said, "All right, then I'm not going in the house."

PO Ranno then turned § 87(2)(b) around and handcuffed him. After patting him down, PO Ranno reached into § 87(2)(b)'s right pocket and took out his house keys. § 87(2)(b) stated that the officer did not ask him if he could take his keys. After taking the keys, the officer asked, "Are these your house keys?" § 87(2)(b) told him they were his house keys. § 87(2)(b) then saw PO Ranno walk directly to the house. He did not see PO Ranno enter the house, however, but later heard from a friend that the officer had entered the house through the front door.

All the male teenagers were placed in the marked van while the female teenagers were placed in a marked car. § 87(2)(b) stated that after he was placed in the van, he started to have an anxiety attack. The officers opened the door and let him put his feet on the street as he remained in the vehicle with his head out of the door. He asked the officers to call his uncle because of his anxiety attack. § 87(2)(b) stated that his uncle, § 87(2)(b) arrived approximately ten minutes later and spoke to him in order to calm him down.

A few minutes later, all the teenagers were driven to the stationhouse. § 87(2)(b) stated that no officer asked for his permission to enter the house. § 87(2)(b) did not hear any officer threaten anyone in the house with physical force. § 87(2)(b) stated that his door was locked because his friends inside had locked the door.

Results of Investigation

WITNESS STATEMENTS

§ 87(2)(b) was interviewed at § 87(2)(b) in Staten Island on July 2, 2001 (**enc. 12A-12C**). At approximately 1:00 a.m. on July 2, 2001, § 87(2)(b) accompanied her boyfriend, § 87(2)(b), to the 123rd precinct. § 87(2)(b)'s daughter, § 87(2)(b) had previously called home to inform her father that she was being escorted by police officers to the stationhouse. When § 87(2)(b) entered the precinct, she saw an officer later identified as Lt. Kemper leaning against a desk explaining to a number of upset parents that the officers had every right to enter § 87(2)(b)'s house. Lt. Kemper explained that the officers did not know if there were weapons in the house. § 87(2)(b) then went outside with some parents.

§ 87(2)(b) was standing in front of the precinct with parents and teenagers when an officer later identified as Sgt. Lopresti told her, "I know who your daughter is." § 87(2)(b) stated that the sergeant wrongfully assumed that she was § 87(2)(b)'s mother. Sgt. Lopresti then told her that he was sitting in a black unmarked vehicle watching the entire incident transpire before a 911 call came in. Sgt. Lopresti told § 87(2)(b) that he saw her daughter outside of the house. § 87(2)(b) then told the sergeant that if he was sitting there, he would have known that the situation was not as severe as the 911 call would have indicated. Sgt. Lopresti then walked away from her. She then entered the precinct to look for § 87(2)(b). She found him seated in Lt. Kemper's office. § 87(2)(b) told the lieutenant what Sgt. Lopresti had told her. Lt. Kemper then became hostile because he felt she was challenging him. They then left the office so that § 87(2)(b) could speak to the officer that had issued § 87(2)(b) the summons. § 87(2)(b) did not overhear his conversation with that officer, nor did she did hear Sgt. Lopresti address § 87(2)(b).

§ 87(2)(b) was interviewed at § 87(2)(b) § 87(2)(b) in Staten Island on July 19, 2001 (**enc. 13A-13C**). Sometime after midnight on June 2, 2001, § 87(2)(b) received a telephone call from a police officer that identified himself as a lieutenant. The lieutenant explained to him that his nephew, § 87(2)(b) had been having a "wild" party at his home at § 87(2)(b). This party had spilled into the street and the police had received 911 complaints. The lieutenant informed § 87(2)(b) that his nephew was being arrested or "taken in." He also informed § 87(2)(b) that § 87(2)(b) was having an anxiety attack and asked him if he could come down to the house to see if he was okay.

§ 87(2)(b) stated that on the date of the incident, his sister-in-law § 87(2)(b)'s mother, § 87(2)(b) was away and left § 87(2)(b) under his supervision. Upon hearing that § 87(2)(b) was going to be arrested, he rushed to § 87(2)(b), which is located approximately three minutes away from his own

house. § 87(2)(b) was particularly concerned that his nephew was having an anxiety attack. § 87(2)(b) explained that § 87(2)(b) is on medication and has a history of anxiety problems. When he arrived on the scene, he saw that most of the teenagers were in handcuffs. He spoke to § 87(2)(b) and attempted to calm him down.

He also spoke to the lieutenant for a few minutes about what had happened. The lieutenant stated that if necessary, he could take § 87(2)(b) to a hospital, but informed § 87(2)(b) that § 87(2)(b) would receive a summons later. Because it appeared that § 87(2)(b) had calmed down by this point, § 87(2)(b) told the lieutenant that this was not necessary. After the teenagers were removed from the scene, § 87(2)(b) went back to his home and he and his wife went to the 123rd precinct. § 87(2)(b) stated that he did not see any officer enter or leave § 87(2)(b)'s home.

At the precinct, § 87(2)(b) saw that many of the parents were upset at the officers. § 87(2)(b) observed that one of the teenager's fathers, § 87(2)(b) was asking many questions about the incident to the officers. § 87(2)(b) stated that § 87(2)(b) seemed very calm, collected, and professional. § 87(2)(b) was speaking to a lieutenant and another officer who appeared to be either a sergeant or a detective. He did not see any officer act rudely towards § 87(2)(b). He stated that at the precinct, the officers were acting extremely professional.

§ 87(2)(b) was interviewed at his home, located at § 87(2)(b) in Staten Island, on January 17, 2002 (enc. 14A-14C). On June 1, 2001, § 87(2)(b) was at the home of his friend, § 87(2)(b) located at § 87(2)(b). § 87(2)(b) stated that he and several of his friends had been hanging out at § 87(2)(b)'s house beginning at approximately 8:30 p.m.. At approximately 12:20 a.m. the next morning, § 87(2)(b) and teenagers had left § 87(2)(b)'s house and were walking down the street. As they were walking, approximately ten to fifteen of the teenagers were wrestling and play-fighting together. § 87(2)(b) stated that none of the teenagers had any bats or any weapons.

Approximately three RMPs arrived on the scene. Officers jumped out of the RMPs and stopped the teenagers. Some of the teenagers ran inside the house. § 87(2)(b) stated that he and his friends were handcuffed, placed in a van that was later called to the scene, and were taken to the precinct. § 87(2)(b) stated that one of the officers obtained keys from § 87(2)(b) after the teenagers were handcuffed. The officers asked the teenagers who lived at § 87(2)(b). § 87(2)(b) told the officers that he lived there. The officers then asked if there was anyone inside the house. § 87(2)(b) responded, "No. Not that I know of." After frisking § 87(2)(b) they obtained keys from his pocket. Prior to entering the house, the officers knocked on the door, and said, "Police. Open up." After no one responded, the officers entered the house. They were inside the house for a few minutes and brought a few individuals out of the house. At this time, § 87(2)(b) was standing across the street, directly in front of § 87(2)(b)'s house.

§ 87(2)(b) stated that he did not hear the officers ask § 87(2)(b) for permission to enter the house. He was not sure whether § 87(2)(b) had given the officers permission to enter the house. Later, § 87(2)(b) told § 87(2)(b) that he had not given his consent. § 87(2)(b) stated that at some point, § 87(2)(b) called his uncle because his mother was not home and was supposed to be looking after § 87(2)(b). § 87(2)(b) did not hear any officer ask § 87(2)(b)'s uncle if they could enter the house. § 87(2)(b) stated that § 87(2)(b) was having an anxiety attack at the time of the incident and was hyperventilating.

§ 87(2)(b) was interviewed at his home, located at § 87(2)(b) in Staten Island, on January 17, 2002 (enc. 15A-15C). On June 1, 2001, Mr § 87(2)(b) was at the home of his friend, § 87(2)(b). § 87(2)(b) stated that there were approximately fifteen teenagers hanging out at § 87(2)(b)'s house. They had been at § 87(2)(b)'s house for approximately two hours. At approximately 12:20 a.m. on June 2, § 87(2)(b) and the rest of the teenagers were leaving § 87(2)(b)'s house and were in the street wrestling outside. § 87(2)(b) stated that teens did not have any bats and were not swinging any objects at one another.

As they were wrestling, approximately four or five officers arrived at the street. At the time, § 87(2)(b) was at the end of the block with his friend § 87(2)(b), and another teenager. The officers detained him at the end of the block until he was placed in a van and driven to the precinct. § 87(2)(b) stated that he did not know whether anyone had ran into the house when the officers arrived. He stated that he thought that some teenagers were removed from the house, but he could not see how the officers removed them. He did not see the officers enter the house and he did not see the officers take the keys from § 87(2)(b). He saw officers talking to § 87(2)(b) but did not hear the conversation. § 87(2)(b) did not see § 87(2)(b)'s uncle at the scene. Once removed to the precinct, the officers issued the teens summonses and released them to their parents.

§ 87(2)(b) was interviewed over the phone on January 11, 2002 (enc. 16). § 87(2)(b) stated that he was taken to the precinct and issued a summons on the night of the incident. He and his friends were outside of § 87(2)(b)'s house and wrestling and tackling one another prior to the arrival of the police. § 87(2)(b) stated that everyone was outside, including approximately three females, but the females were not involved in the wrestling. When approximately five officers arrived, a few teenagers went into the house. § 87(2)(b) stated that he did not see any officer enter the house, because he was already in the van. § 87(2)(b) stated he was the first individual to be placed in the van.

§ 87(2)(b) was interviewed over the phone on April 25, 2002 (enc. 17). § 87(2)(b) lives on § 87(2)(b) in Staten Island. § 87(2)(b) stated that he called 911 on the date of the incident because there were several teenage boys fighting amongst themselves on § 87(2)(b). They were very loud and, in addition to fighting, they were knocking over garbage cans on the block. § 87(2)(b) was not sure whether or not there were any females with the group. He stated that he might have seen someone with a bat, but he could not be sure. He observed everything from inside of his home. § 87(2)(b) did not go outside of his home after the officers responded. He did not observe any officers entering or exiting the house on § 87(2)(b). He did not see what happened to the teens when the officers immediately arrived on the scene (e.g. if they ran away or ran into a house on § 87(2)(b)).

§ 87(2)(b) wife of § 87(2)(b) was interviewed over the phone on April 25, 2002 (enc. 18). § 87(2)(b) stated that she was home on the night of the incident, but only came out of her house after the police arrived. She did not see any teenagers fighting on the street beforehand, but assumes her husband must have seen this because he had called 911. She came outside after the situation had calmed down. She stated that the officers on the scene were kind and respectful to the boys. § 87(2)(b) saw officers on § 87(2)(b), but did not see any officers entering or exiting any houses on her block.

POLICE OFFICER STATEMENTS

PO Robert Ranno was interviewed by the Integrity Control Officer of the 123rd precinct, Lt. Robert Lisiewski, on June 10 2001 (enc. 35C). PO Ranno stated that the time of the incident, he arrived at the scene of a street fight between several youths. He stated that he saw participants in the fight carrying what appeared to be broken umbrellas into § 87(2)(b). PO Ranno identified the occupant of the house, whose mother was away at the time of the incident. [On the UF-49 prepared in regards to the ICO's investigation, § 87(2)(b) was mistakenly identified as the occupant of the house. The occupant of the house was, in fact, § 87(2)(b). The occupant gave PO Ranno keys to the house and the officer opened the door, where other participants in the fight met him. One of these individuals was § 87(2)(b) who was later issued a summons. The officer felt that it was necessary to enter the house so that no one was inside with injuries or with dangerous weapons. While issuing summonses at the stationhouse, Lt. Kemper and Sgt. Lopresti directed PO Ranno to expedite the process and avoid confrontation with § 87(2)(b).

PO Ranno was interviewed at the CCRB on August 14, 2001 (**enc. 20A-20C**). On June 2, 2001, PO Robert Ranno was working with Sergeant Lopresti and was assigned to 123rd precinct conditions. At approximately 12:20 a.m. on the date of the incident, PO Ranno and Sgt. Lopresti responded to a radio run at § 87(2)(b). The call was for a 1052—a large fight with unknown injuries. As they approached the block, they could see numerous teenagers in the middle of the street, across from § 87(2)(b), fighting. There were also other teenagers congregated around the fighters, cheering them on. PO Ranno stated that he observed that approximately six teenagers were fighting, some were fighting with broken umbrella rods. He also saw several red cups containing what appeared to be beer in the street and along the curb. There were approximately fifteen to twenty teenagers in total, some of whom fled the scene when the officers arrived. When they parked the RMP, PO Ranno noticed that a few males and females were running into § 87(2)(b). PO Ranno observed that a teenager later identified as § 87(2)(b) who was out on the street observing the fight, was one of the individuals that ran into the house.

Officers exited their RMPs, broke up the fight, and handcuffed the individuals that had been fighting. One of the individuals in custody, later identified as § 87(2)(b) informed PO Ranno that § 87(2)(b) was his house. PO Ranno asked § 87(2)(b) “Who belongs in your house?” § 87(2)(b) responded, “Nobody.” PO Ranno then asked, “Where’s your mom?” § 87(2)(b) told him that his mom was away. PO Ranno then asked § 87(2)(b) who was watching him. § 87(2)(b) informed the officer that his uncle was watching him. PO Ranno then instructed § 87(2)(b) to call his uncle. § 87(2)(b) called his uncle from his own cell phone. PO Ranno spoke to the uncle, who told the officer that he would be “right down.” PO Ranno then asked § 87(2)(b) s uncle who was supposed to be watching § 87(2)(b). The uncle told the officer that he was watching § 87(2)(b) while § 87(2)(b) s mother was away. PO Ranno then told the uncle, “Are you aware that there was a party in the house.” § 87(2)(b) s uncle stated that he was not aware that there was a party and that no one should be in the house. The officer told the uncle that § 87(2)(b) had keys to the house in his pocket and that the officers were going to open the door to the house with the keys and get the other teenagers out. § 87(2)(b) s uncle said, “No problem,” and indicated that he would be there shortly. PO Ranno stated that § 87(2)(b) had also given him permission to enter the house because he had indicated that “nobody” belonged inside.

PO Ranno stated that prior to obtaining the keys to the house from § 87(2)(b) he had gone up to the house and gone around the house. The doors to the house were locked, which he surmised by trying to turn the door handle. He looked into the window of the house and could see that there were individuals inside. PO Ranno knocked on the front door of the house and said, “Police. Open the door.” He never stated, “I’m gonna break your skulls if you don’t let me in.” He did not threaten anyone inside with physical force. He did not hear any other officer make any threats of physical force.

After obtaining the keys from § 87(2)(b) and obtaining consent from both § 87(2)(b) and his uncle—PO Ranno went to the front door of the house, turned the lock, opened the door and stepped one or two feet inside. He directed the individuals that were inside to leave the house. After they each complied with his instruction, PO Ranno left the house. He stated that each of the teenagers who were in the house were cooperative, except for § 87(2)(b) who complained that he had no right to enter the house because he did not have a search warrant. PO Ranno responded, “Leave. This isn’t your house.”

Every teenager at the scene was placed under arrest and transported to the precinct in a marked van and an RMP. Prior to leaving the scene, § 87(2)(b) had an anxiety attack and started to breathe heavily. PO Ranno stated that by this time, § 87(2)(b) uncle was already on the scene and was talking to the sergeant and Lt. Kemper. PO Ranno did not interact with the uncle at the scene. The males were transported in the van and the females were transported in an RMP, accompanied by PO Ranno.

Once they arrived at the station house, every parent was called to come get their child. Thirteen teenagers were issued summonses § 87(2)(b) and then released to their parents. At some point at the station house, Lt. Kemper and Sgt. Lopresti called PO Ranno to speak to § 87(2)(b). § 87(2)(b) asked the officer if he had seen his daughter, § 87(2)(b) at the scene. PO Ranno stated that he did see his daughter at the scene. When § 87(2)(b) began to ask more questions, Lt. Kemper told PO Ranno that there was no reason to answer any more questions because he had already answered the questions. PO

Ranno did not observe any rude gestures on the part of the lieutenant. PO Ranno stated that Lt. Kemper was speaking to § 87(2)(b) for approximately a half-hour beforehand. PO Ranno had not overheard this conversation. The lieutenant later told PO Ranno that § 87(2)(b) had asked the lieutenant to void his daughter's summons in exchange for *not* filing a complaint.

Lieutenant Michael Kemper was interviewed by Captain Kevin McKeever, the 123rd precinct Executive Officer, on July 10, 2001 (**enc. 35B**). Lt. Kemper stated that at the time of the incident, he responded to the scene of a large disturbance on § 87(2)(b), in which numerous teenagers were observed to have been fighting. Upon the arrival of the police, a number of these teens ran into § 87(2)(b). Numerous teenagers were then removed to the stationhouse and issued § 87(2)(b) summonses. At the stationhouse, Lt. Kemper encountered § 87(2)(b) the parent of one of the teenagers that was issued a summons. § 87(2)(b) § 87(2)(b). Lt. Kemper stated that § 87(2)(b) would not listen to the explanations of the lieutenant, Sgt. Lopresti, and PO Ranno. § 87(2)(b) also told the lieutenant that if the lieutenant would "take care" of his daughter's summons, § 87(2)(b) would not file a complaint against the officers. Lt. Kemper then asked the officers involved to continue writing their summonses and end their interaction with § 87(2)(b).

Lt. Kemper was interviewed at the CCRB on August 21, 2001 (**enc. 22A-22C**). On June 2, 2001, Lt. Kemper was assigned as the Special Operations lieutenant. At approximately 12:20 a.m., Lt. Kemper responded to a 911 call alleging a dispute/fight with weapons on § 87(2)(b).

When he arrived on the scene, he observed a large group of teenagers wrestling and fighting in the middle of § 87(2)(b). Lt. Kemper stated that he did not see any weapons or any objects that the individuals were fighting with. He did not see any bats. When he exited the RMP, he heard someone yell, "Police!" and then saw a small portion of the group run into the house that is located at § 87(2)(b) and slam the door shut. Lt. Kemper began to question a few of the individuals, who told him that they were not fighting, but were just fooling around. Lt. Kemper stated that he could smell alcohol on these individuals' breath, although he did not see any alcohol. There was one male teenager present that indicated to the lieutenant that he was a resident of the house. This individual, later identified as § 87(2)(b), told the lieutenant that his mother was not home and his father had passed away. PO Ranno spoke to § 87(2)(b) who told the officer that his uncle was looking after him. PO Ranno called his uncle via cell phone. The uncle told the officer that no one should be inside the house and that he had no problem with the officers entering the house to get the teenagers outside. Lt. Kemper stated that he was standing on the street in front of the house when he observed PO Ranno walk up the house and knock on the door. Lt. Kemper saw the door to the house open and he saw PO Ranno peaking into the house. Lt. Kemper stated he was not sure whether the officer actually entered the house, but at most he took one step into the house. He then saw a few teenagers coming out of the house. Lt. Kemper was not sure whether PO Ranno had obtained keys to the house or opened an unlocked door. Lt. Kemper was not sure whether PO Ranno had obtained consent from § 87(2)(b) prior to entering the house. The lieutenant stated that PO Ranno had not consulted with him prior to opening the door to the house.

Lt. Kemper decided to take the teenagers into custody and escort them to the precinct so that they could conduct warrant checks and notify their parents. § 87(2)(b)'s uncle, who lives in the neighborhood, came to the scene and spoke with the lieutenant. The uncle seemed very upset at § 87(2)(b) and explained to the lieutenant that § 87(2)(b)'s mother was not home and that they were going through tough times with the teenager. Lt. Kemper explained to the uncle that § 87(2)(b) would be taken to the station house and that he could meet the officers and the teenager there. Lt. Kemper did not discuss with the uncle whether or not the officers had obtained consent to enter the house.

At the station house, § 87(2)(b) arrived and was very upset. Lt. Kemper identified himself as a lieutenant and told § 87(2)(b) that he was the supervisor. § 87(2)(b) § 87(2)(b). Lt. Kemper explained to § 87(2)(b) what happened, but § 87(2)(b) remained upset. Lt. Kemper stated that on at least two or three different occasions, § 87(2)(b) asked the lieutenant to get rid of his daughter's summons. In exchange, § 87(2)(b) stated that he would not file an IAB and CCRB complaint. Lt. Kemper told § 87(2)(b) that he could not do that. § 87(2)(b)

stated, “Yes you could, you’re a lieutenant.” Lt. Kemper continued to refuse to get rid of the summonses. Lt. Kemper stated that he spoke to § 87(2)(b) very politely in a private setting (the 124 room) for approximately thirty minutes—which is a very long time for such an incident. Lt. Kemper stated that § 87(2)(b) then wanted to speak with PO Ranno, the officer that had issued his daughter the summons. Sgt. Lopresti also spoke to § 87(2)(b). Lt. Kemper told § 87(2)(b) that he could speak to the officer for a few minutes, under the lieutenant’s supervision. Lt. Kemper stated that § 87(2)(b) asked the officer what happened and started to drill him about the incident. Feeling that everything had been explained to § 87(2)(b) for long enough and that they were not here to plead a case, Lt. Kemper then told the officer to continue processing the summonses, thereby cutting off the conversation.

Lt. Kemper described his demeanor throughout his interaction with § 87(2)(b) as extremely polite and “above and beyond” professional.

Sergeant Christopher Lopresti was interviewed by Lt. Lisiewski on July 11, 2001 (enc. 35C). Sgt. Lopresti stated that on the date of the incident, he was present at the stationhouse when § 87(2)(b) appeared. He stated that § 87(2)(b) refused to accept the fact that his daughter would be issued a summons. He stated that § 87(2)(b) s “attitude was unacceptable § 87(2)(b) § 87(2)(b).” Sgt. Lopresti therefore ended the interaction between himself, PO Ranno, and § 87(2)(b) to avoid any further problems.

Sgt. Lopresti was interviewed at the CCRB on August 22, 2001 (enc. 24A-24B). At approximately 12:20 a.m., Sgt. Lopresti responded to a radio run for a “gang fight with weapons” on § 87(2)(b). When he arrived at the location, he saw approximately fifteen teenagers in the middle of § 87(2)(b) § 87(2)(b). Some of the teenagers were wrestling in the street. Sgt. Lopresti stated that he did not see any weapons. As the officers pulled up to the scene, a small portion of the teenagers, including a female later identified as § 87(2)(b) ran into § 87(2)(b).

After exiting their vehicles, Sgt. Lopresti approached a few individuals in order to detain them and investigate the situation. Sgt. Lopresti surmised that some of the teenagers had been drinking, although he did not see any alcohol at the scene. Sgt. Lopresti saw empty containers of alcohol by the garbage area of the house. It was decided that the teenagers would be issued § 87(2)(b) summonses and would be transported to the precinct to verify their identifications, check for warrants, and to release them to the custody of their parents. One of the teenagers, § 87(2)(b) identified himself as a resident of § 87(2)(b) § 87(2)(b). A marked van arrived on the scene and transported a number of teenagers to the stationhouse.

Sgt. Lopresti stated that prior to leaving for the precinct, PO Ranno got the teenagers who had ran into § 87(2)(b) § 87(2)(b) outside of the house. PO Ranno opened the door to the house, but Sgt. Lopresti was not sure whether the officer actually stepped into the house. The sergeant stated that he learned that both § 87(2)(b) and § 87(2)(b) s uncle had given the officer consent to enter the house, although he was not privy to either conversation. Sgt. Lopresti was not sure whether PO Ranno was ordered to go into the house. He did not know whether PO Ranno had shouted anything into the house prior to opening the door.

After the officers and the teenagers had arrived at the precinct, § 87(2)(b) § 87(2)(b) approached Sgt. Lopresti and Lt. Kemper. Sgt. Lopresti spoke to § 87(2)(b) briefly by the entrance to the precinct and explained to § 87(2)(b) why his daughter had been issued a summons. Lt. Kemper, as the officer in charge, spoke to § 87(2)(b) at great length regarding the situation inside the 124 room. At one point, Sgt. Lopresti walked into the 124 room in the middle of § 87(2)(b) and the lieutenant’s conversation. He heard § 87(2)(b) tell the lieutenant, “You’re a lieutenant. Can’t you void the summons?” Lt. Kemper responded, “Summons voidance is for erroneously written summonses. That’s unacceptable.” After speaking to the lieutenant, § 87(2)(b) asked to speak to PO Ranno. He asked PO Ranno if the officer had seen his daughter in the street. PO Ranno responded that he had seen his daughter in the street. § 87(2)(b) then started to become a little bit belligerent, repeating: “You saw my daughter in the street?” In order to prevent any problems, Sgt. Lopresti said, “That’s enough” and instructed PO Ranno to go into the back room and complete the summonses. Sgt. Lopresti described his own demeanor while

speaking to § 87(2)(b) as “very polite and as nice as you could be to somebody.” He stated that the lieutenant was also very calm and polite towards § 87(2)(b). Sgt. Lopresti stated that he later had heard that § 87(2)(b) had told the lieutenant that he would file a CCRB complaint if the lieutenant did not squash the summons.

PO Adam Seery was interviewed at the CCRB on August 24, 2001 (**enc. 26A-26B**). On June 2, 2001, PO Adam Seery was working in the conditions unit with Sgt. Lopresti and Lt. Kemper. At approximately 12:20 a.m., PO Seery and his partners responded to a radio run at § 87(2)(b) alleging that there was a large group in the middle of the street, fighting with bats. When they responded to the location, PO Seery observed approximately twenty-five teenagers standing in the middle of the street. Teenagers were surrounding three individuals who were appeared to be swinging bats at one another. PO Seery stated that his RMP was the first to arrive on the scene and a few more RMPs arrived afterwards. Upon exiting the RMP, a number of the teenagers fled into § 87(2)(b). PO Seery grabbed three males that had been swinging the objects. Upon detaining these individuals, PO Seery saw that these individuals had actually been swinging umbrellas, not bats. PO Seery held these individuals in place against a vehicle in the street and was then directed by Sgt. Lopresti to bring these three individuals across the street into a larger group of teenagers. They then waited for a marked van to arrive in order to escort the teenagers to the station house. PO Seery stated that the male teenagers were transported in the van while the females were transported in his RMP.

PO Seery stated that he was not sure whether the teenagers that had gone into the house were eventually removed from the house. He was not sure if any officer had entered the house. PO Seery did not approach § 87(2)(b) and he did not see any other officer approach that house.

PO Seery did not interact with any parents at the stationhouse. PO Seery issued three summonses; he was not sure whether those three teenagers were the ones that he dealt with at the house. PO Seery stated that the parents who arrived at the stationhouse were upset and angry. PO Seery did not know who § 87(2)(b) was, but was told by another officer that § 87(2)(b) was going to file a CCRB complaint.

PO Kimberly DeCillo and **PO Kathleen Ceccarelli** were interviewed at the CCRB on January 10, 2002 (**enc. 28A-28B** and **enc. 30A-30B**). On June 2, 2001, PO DeCillo and PO Ceccarelli were assigned to Sector BD. At approximately 12:20 a.m., they heard a radio run for § 87(2)(b). They never responded to this radio run, however, and were not at § 87(2)(b) at any time on the night of the incident. Both officers stated that they were not at the station house later in the evening to see parents or teenagers. She did not hear about this incident from other officers.

Sergeant John Peruffo and **PO John Azzarello** were interviewed at the CCRB on January 28, 2002 (**enc. 32A-32B** and **enc. 34A-34B**). On June 2, 2002, Sgt. Peruffo and PO Azzarello were assigned to patrol the 123rd precinct in a marked van. At 12:37 a.m., Sgt. Peruffo and his operator received a radio transmission to respond to § 87(2)(b). They were asked to respond to the incident because the Special Operations lieutenant, Lt. Michael Kemper, put over a call on the radio that he needed personnel with a van. When they arrived at the scene, there were numerous teenagers on the street and officers were beginning to place handcuffs on those teenagers. They remained on the scene for approximately five minutes until approximately ten teenage males were placed in the van.

Neither Sgt. Peruffo nor PO Azzarello were aware that any officers had entered a house on § 87(2)(b). After leaving the scene with the teenagers in custody, the officers drove directly to the stationhouse and helped escort the teenagers to the desk, leaving them in the custody of Sgt. Lopresti. Neither officer saw any parents of the teenagers at the stationhouse. After escorting the prisoners to the desk, they resumed patrol.

PO Richard Fitzer also responded to § 87(2)(b) and issued summonses, along with PO Ranno and PO Seery, to some of the teenagers. PO Fitzer was assigned to precinct conditions on the night of the incident, under the supervision of Lt. Kemper. PO Fitzer has subsequently been reassigned from the

123 precinct and is now assigned to the Executive Protection Unit (security for Mayor Bloomberg). § 87(2)(b)

POLICE DEPARTMENT DOCUMENTATION

A **UF-49**, summarizing the investigation of this incident by Lt. Robert Lisiewski, was completed by Captain Kevin McGinn of the 123 precinct on August 15, 2001 (**enc. 35A-35D**). The following allegations were investigated: A) § 87(2)(b) was falsely arrested; B) § 87(2)(b) was arrested after PO Ranno illegally entered a residence at the scene of a large fight to apprehend her; C) Sgt. Lopresti and Lt. Kemper were rude to § 87(2)(b)

Cpt. McGinn recommended that the first allegation—§ 87(2)(b) was falsely arrested—should be unsubstantiated, indicating that it was a matter for a court to determine. Cpt. McGinn recommended that the entry into the residence by PO Ranno should be exonerated, because the officer believed there to be weapons involved and that there may have been additional perpetrators or victims inside the residence. Finally, he recommended that the discourtesy allegation also be exonerated, because the officers made every effort to attempt to explain to § 87(2)(b) the situation and did not appear to dismiss him too hastily.

According to the **radio run** received in relation to this incident, § 87(2)(b) made a 911 call at 12:14 a.m. on June 2, 2001 (**enc. 36A-36C**). § 87(2)(b) told the operator that there were fifteen “kids” having a fight on the corner of § 87(2)(b). When the operator asked if the group had any weapons, § 87(2)(b) responded, “I see somebody with a bat.” When she asked if anyone was injured, § 87(2)(b) responded that he did not know.

Thirteen teenagers were issued **summonses** § 87(2)(b) on the night of the incident (**enc. 37A-37E**). According to the **command log** for the evening of the incident, the teenagers were brought to the stationhouse at approximately 1:05 a.m. (**enc. 38B**). At 2:50 a.m., the desk officer issued § 87(2)(b) § 87(2)(b) civilian complaint report. § 87(2)(b) took the report and left the stationhouse, stating that he would fill it out at a later date.

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)], § 87(2)(a) Fam. Ct. Act § 381.3

PRIOR CRIMINAL CONVICTIONS OF CIVILIAN WITNESESS

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

PREVIOUSLY SUBSTANTIATED CCRB CASES

Neither Lt. Michael Kemper nor Sgt. Christopher Lopresti have had any previously substantiated CCRB cases (**enc. 5-6**). PO Robert Ranno has one previously substantiated allegation for a vehicle search (CCRB case number 200004838). The Board recommended instructions.

Conclusions and Recommendations

Allegation A) Abuse of Authority: PO Robert Ranno entered § 87(2)(b).

§ 87(2)(b) alleged that PO Ranno wrongfully entered § 87(2)(b), the home of § 87(2)(b), where the officer apprehended § 87(2)(b). PO Ranno admitted to entering the residence, but indicated that he did so with the consent of both § 87(2)(b) and his uncle, § 87(2)(b). He also stated that because he was responding to a fight with weapons, he felt it necessary to make sure there was no one inside the house with injuries or unlawful weapons.

§ 87(2)(b) denied offering consent to PO Ranno. Furthermore, § 87(2)(b) stated that he was called to the scene by an officer, not for the purpose of obtaining consent to enter the house, but because § 87(2)(b) was having an anxiety attack. § 87(2)(g)

According to Kamins' *Search and Seizure*, courts have upheld that the warrantless entry into a residence is permissible in cases where "exigent circumstances" exists. Several factors exist in determining exigent circumstances: "(1) the gravity or violent nature of the offense; (2) whether there is reason to believe the suspect is armed; (3) whether there is a reliable basis for believing the suspect is in the premises in issue; (4) whether there is probable cause to believe that the suspect committed the crime . . ." (enc. 1A-1D).

§ 87(2)(g) According to the 911 tape of the call, § 87(2)(b), § 87(2)(f), § 87(2)(b), § 87(2)(b), § 87(2)(b) stated that he saw someone fighting with a bat and was not sure whether there were any injuries. § 87(2)(b) furthermore, admitted that he was using a wiffle ball bat while he was play-fighting with his friends. Both PO Ranno and PO Seery additionally stated that they came upon a group of teens that was fighting with umbrella rods. § 87(2)(b), § 87(2)(g)

Allegation B) Abuse of Authority: At § 87(2)(b), PO Robert Ranno threatened individuals with the use of force.

§ 87(2)(b) alleged that PO Ranno yelled at individuals inside § 87(2)(b), "I'm gonna break your skulls if you don't let us in." PO Ranno denied making this threat to the teenagers. § 87(2)(b), § 87(2)(g)

Allegation C) Discourtesy: At the 123rd precinct stationhouse, Lt. Michael Kemper spoke rudely to § 87(2)(b)

Allegation D) Discourtesy: At the 123rd precinct stationhouse, Sgt. Christopher Lopresti spoke rudely to § 87(2)(b).

§ 87(2)(b) alleged that when he began speaking to PO Ranno, Lt. Kemper made what § 87(2)(b) described as a "grimacing" face. Lt. Kemper then put his hand up, an act that § 87(2)(b) perceived to be a command for the officer not to speak to § 87(2)(b) anymore. The officer then walked away from § 87(2)(b). § 87(2)(b) asked Lt. Kemper why he had just done what he did. At that point, Sgt. Lopresti yelled out, in an intimidating manner, "We explained to you all that we're going to explain to you! We have nothing further to tell you. I saw your daughter on the street acting disorderly." Both Lt. Kemper and Sgt. Lopresti contend that they treated § 87(2)(b) with the utmost courtesy and that they cut off his

conversation with PO Ranno because he had started to question the officer too harshly. Both officers also contend that § 87(2)(b) told Lt. Kemper that if he voided his daughter's summons, he would not file a complaint. § 87(2)(b) himself admitted that he asked the lieutenant to void his summons.

§ 87(2)(b), § 87(2)(g)
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: